

## CAIRNGORMS NATIONAL PARK AUTHORITY

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### DEVELOPMENT PROPOSED: OURACK WATCH WIND FARM

Consultation from Scottish Government Energy Consents & Deployment Unit

**REFERENCE:** 2022/0382/PAC (ECU00001999)

**APPLICANT:** Ourack Wind Farm LLP

**DATE CONSULTED:** 20 June 2022

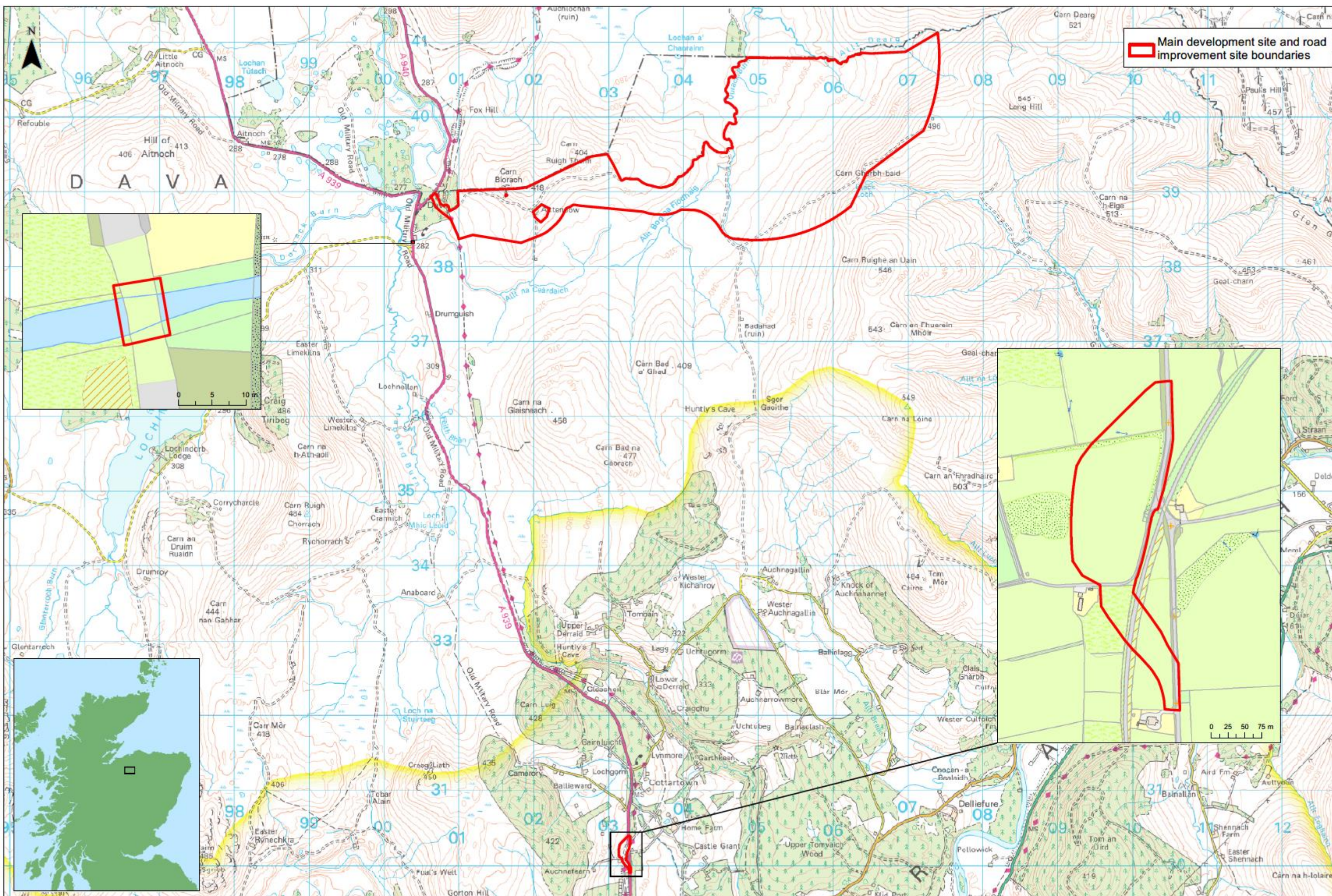
**RECOMMENDATION:**

- 1) No objection to the proposed Ourack Watch Windfarm on basis of impacts on the special qualities of the National Park arising from development outside the National Park boundary; and
- 2) No objection, subject to conditions, to the proposed construction access works within the National Park.

**CASE OFFICER:** Stephanie Wade, Planning Officer

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**Ourack Wind Farm**  
 Site Location Plan

0 250 500 1,000 1,500 2,000  
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1:45,000 @ A3 Date: 22/08/2022

Drawn: LHOP

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Figure 2.1

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## PURPOSE OF REPORT

1. The purpose of this report is to inform the committee decision and subsequent consultation response to the Scottish Government Energy Consents & Deployment Unit (ECDU) on an application submitted under Section 36 of the Electricity Act 1989 for a proposed wind farm located to the north of the Cairngorms National Park. The Scottish Government are the determining Authority for this application as the output is more than 50 MW. The application is accompanied by an Environmental Impact Assessment Report (EIAR).
2. This report comprises consideration of two aspects:
  - a) Part (a)- The effects of the proposed wind farm on the landscape character and Special Landscape Qualities (SLQs) of the National Park.
  - b) Part (b) - The impact of the proposed temporary construction route works at Castle Grant. The impacts to be assessed relate to the ecological effects, landscape and visual impacts and the impacts of the works on outdoor access matters.
3. The two matters for consideration will henceforth be referred to as Part (a) and Part (b) within the rest of this report.
4. Under the current working agreement on roles in landscape casework between NatureScot and the Park Authority, NatureScot lead on the provision of advice on the effects on the SLQs caused by proposals outwith the Cairngorms National Park. Their advice has been used to inform the consideration of Part (a) for this report.

## SITE DESCRIPTION AND PROPOSED DEVELOPMENT

### Description of Main Wind Farm Development (Part (a))

5. The main development site is located approximately 10km north of Grantown on Spey, immediately east of the Dava and the A939 and A940. The site comprises approximately 762 ha of moorland and a small area of coniferous plantation woodland. The south boundary of the site is approximately 1.8km north of the Cairngorms National Park boundary, although it is noted that the turbines have been set back to be located a minimum of 2.11km away from the National Park boundary and located predominantly in the north-eastern corner of the site. Figure 8.12 (**Appendix 1**) illustrates that in the surrounding area there are numerous other existing and consented wind farms, plus several proposed wind farms in the planning system.
6. The proposed development would comprise 18 turbines with a maximum height of 180m to the tip of the blade in an upright position, upgrading of road access tracks including the creation of 16.7km of track, as well as other infrastructure and works (such as substation, underground cabling, borrow pits, etc). It is expected that the proposed wind farm would have an estimated total installed capacity of 105MW.
7. Theoretical visibility of the proposed wind farm from within the National Park is shown by the applicant's EIAR figure 8.2 (**Appendix 2**). When considering the cumulative visual effects, the applicant's figure 8.19 (**Appendix 3**) demonstrates that visibility of

the proposed wind farm would be limited from within the National Park. Much of where it would be seen from is already influenced by visibility of several other existing and consented wind farms. However, there is an area (shown in blue) within the National Park where it would introduce visibility of a wind farm where currently there is none, around the road between Granttown on Spey and Nethy Bridge and the eastern side of Granttown on Spey.

8. Visualisations from 10 viewpoints within the National Park and 3 viewpoints on the National Park boundary have been provided within the applicant’s EIAR to demonstrate the predicted level of visibility that would be had from within/on the boundary of the National Park. A summary of the viewpoints is included within the table below:

Viewpoint number	Location	Distance to closest turbine	Number of blade tips theoretically visible	Number of hubs theoretically visible
1	CNP- Nearest point on track at northern boundary	2.3 km	17	12
6	CNP- Auchnagallin	4.4 km	2	0
11	CNP- Cromdale Outdoor Centre	10.3 km	1	0
12	CNP- Granttown on Spey	10.5 km	7	0
14	Creag Ealraich (just ouwith boundary)	13.5 km	18	12
15	CNP- A939 near Lynemore	14.6 km	11	0
16	CNP- Cromdale Hills, Creagan a’Chaise	15.4 km	16	4
17	CNP- A939 near Lynebreck	16.5 km	13	3
18	CNP- Castle Roy, North of Nethy Bridge	17.3 km	10	3
19	CNP- Carn Glas Choire	18.4 km	18	18
22	CNP- Meall a-Bhuachaille Cairn	27.8 km	18	17
23	CNP- Strath Nethy Path	28.3 km	15	9
24	CNP- Ptarmigan	34 km	18	16

9. **Committee members should familiarise themselves with the above visualisations online before the meeting.** The visualisations associated with each view point are available to the public by searching the application documents on the ECDU website: [Scottish Government - Energy Consents Unit - Application Details](#) for the relevant figures within: EIAR\_Volume\_2D- Chapter 8.

**Description of Proposed Castle Grant Construction Access Route Works (Part (b)).**

10. An Abnormal Load Route Appraisal has been undertaken on the wider road networks which identifies that the 'southern delivery route' via the A9, A95, Grantown on Spey and the A939 to the site, as the most suitable access route for abnormal loads.
11. The proposal includes the provision of road improvements to facilitate the delivery, emergency maintenance and future decommissioning of the turbines. 'Road Improvement Site A' (as labelled within the documents) is located approximately 2km north of Grantown on Spey within the National Park area, near to the Castle Grant East Lodge and Railway Bridge. The site is immediately west of the A939 extending to 4ha and encompasses agricultural land, a section of the Dava Way and a section of farm track. The site includes minor trees and shrubs immediately adjacent to the Dava Way and there is a cluster of more substantial trees to the east of the site, adjacent to the railway bridge.
12. Regarding designations, it is noted that the area forms part of the Castle Grant Inventory and Designed Landscape, and the Castle Grant East Lodge, Railway Bridge and Entrance Arch are all Category A listed. The Dava Way is a Great National Trail and a Core Path.
13. The proposed bypass route at Castle Grant is approximately 400m in length with the northern section utilising part of an existing farm track and its existing access to re-join the A939, just north of East Lodge. The bypass route bisects a former railway embankment and raised section of the Dava Way. A new, temporary track would be constructed from the western side of the A939 up to the embankment of the Dava Way, with a cutting taken through the embankment to enable the Abnormal Loads to pass through.
14. The temporary track would be constructed at grade with its finished surface running close to the existing ground level on the approach to the cutting. A new track would also be laid to the west of the Dava Way which would then bear right to join the existing farm track leading back to the A939.
15. The proposed embankment cutting would be regraded either side to a suitable gradient to enable all users to continue to use the core path. It is proposed that the detailed design for the bypass route would be secured by planning condition and the applicant is committed to consult further with all relevant stakeholders during the detailed design phase.
16. The bypass is solely for use of all ALLs under police escort for a period of up to 3 months. Post-delivery, the supporting documentation confirms that the road improvement works will be largely removed. Access onto the bypass route from the A939 will be closed, with the gates removed, track removed and reinstatement of the post and wire fence. The cutting through the embankment is proposed to be retained to enable emergency turbine maintenance during operation and to minimise the extent of works required should the bypass routes need to be reinstated for decommissioning phase. Decommissioning is anticipated to take place after 35 years of operation.

17. Plans of the Bypass route can be found at **Appendix 4**.

## RELEVANT PLANNING HISTORY

18. In June 2022, Cairngorms National Park Authority responded to a scoping consultation from ECDU for the current application.

## PLANNING POLICY CONTEXT

19. For part (a), as the proposed development is located wholly outwith the National Park, the Cairngorms National Park Local Development Plan policies do not apply. However, an assessment of the proposal must have regard to National Planning Framework 4 (NPF4) and the National Park Partnership Plan (NPPP).

20. For part (b), as the proposed access route works are within the National Park, the Cairngorms National Park Local Development Plan policies, together with NPF4 policies are applicable.

## National Policy

21. **National Planning Framework 4 [NPF4]** sets out the national planning policies that reflect Scottish Ministers priorities for the development and use of land, as well as for operation of the planning system. The policies are a material consideration in planning decisions that carries significant weight.

22. Policy 4c (Natural Places) states that “development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest, or a National Nature will only be supported where:

- a) The objectives of the designation and the overall integrity of the areas will not be compromised; or
- b) Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental, or economic benefits of national importance.”

23. Of relevance to the application is Policy 11: Energy of NPF4. The policy intent is to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage. Criterion 11(b) confirms that development proposals for wind farms in National Parks and National Scenic Areas will not be supported. Criterion 11(d) confirms that development proposals that impact on international and national designations will be assessed in relation to Policy 4. Criterion 11(e) required project design and mitigation to demonstrate how the impacts on road traffic and on adjacent trunk roads, including during construction and how the impacts on public access, including impact on long distance walking and cycling routes and scenic routes have been addressed by the proposal development.

24. As per Policy 4, the impact of any wind farm development outwith the National Park, must therefore be determined against the four aims of the National Park as set out in the National Parks (Scotland) Act 2000.

### **Strategic Policy**

25. The **Cairngorms National Park Partnership Plan [NPPP] 2022-2027** is required under section 11 of the National Parks (Scotland) Act 2000. It is the management plan for the Cairngorms National Park approved by Scottish Ministers. The NPPP sets out how all those with a responsibility for the National Park will coordinate their work to tackle the most important issues. There is a duty for decision makers to have regard to the NPPP, a requirement set out in Section 14 of the Act. As such, the NPPP is a material consideration in planning decisions.
26. The NPPP identifies that the landscapes of the National Park are valued by many and underpin the area's economy. It contains policies to safeguard landscape interests. Of relevance to wind farm development proposals are policies A4 and C2.a.
27. Policy A4 seeks to conserve and enhance the Special Landscape Qualities [SLQs]. Policy C2.a seeks to support development of a low carbon economy and increase renewable energy generation where this is compatible with conserving the SLQs. In relation to wind farm development, the policy states that "Large-scale wind turbines are not compatible with the landscape character or special landscape qualities of the National Park. They are inappropriate within the National Park or in areas outside the National Park where they adversely affect its landscape character or special landscape qualities."

### **Local Policy**

28. The relevant Local Plan Policies to be used to consider the Part (b) Castle Grant works are outlined within the table below:

<b>Local Plan Policy</b>	<b>Cairngorms National Park Local Development Plan (2021)</b> Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	DESIGN AND PLACEMAKING	<b>X</b>
POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	OPEN SPACE, SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	
POLICY 11	DEVELOPER CONTRIBUTIONS	

## Planning Guidance

29. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to the consideration of Part(b) is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Design and Placemaking Non-Statutory Guidance	<b>X</b>
Policy 4	Natural Heritage Supplementary Guidance	<b>X</b>
Policy 5	Landscape Non-Statutory Guidance	<b>X</b>
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Open Space, Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	
Policy 11	Developer Contributions Supplementary Guidance	

## CONSULTATIONS

### In relation to Part (a)

#### NatureScot advice

30. In accordance with the NatureScot/CNPA casework agreement, NatureScot have provided CNPA with advice in relation to the effects on the National Park, of the proposed wind farm both alone and cumulatively with other existing and consented wind farms in the surrounding area.
31. NatureScot consider that the proposal will not have an adverse effect on the integrity of the National Park or the objectives of the designation.
32. From the Scoping, the applicant has sought to remove the turbines closet to the Park boundary using the local landform of Carn Ruighe an Uain to screen the majority of the turbines locally. This has had the effect of significantly reducing blade tip and hub height visibility directly across and down into the Park in the vicinity of Huntly's Cave.
33. There will be limited predicted visibility of turbines within the Park around Cottartown, along with the west facing upper slopes and summits of the Cromdales. Whilst this is likely to result in some cumulative effects, intensifying existing wind turbine grouping around Berryburn/Pauls Hill, Clash Gour and wider afield including Rothes, NatureScot agree with the conclusions of the EIAR that there will not be significant effects on the special landscape qualities.

### In relation to Part (b)

34. **CNPA Ecology Officer** has no objection on ecological grounds to the proposed re-routing works. The Officer agrees with the Landscape Officer's recommended mitigation for a tree protection plan. The Officer is content with the protected species and habitats mitigation embedded within the EIA (outline species protection plans). The



identified bat trees and structures are to be avoided and re-surveyed prior to works commencing. No roosts are expected to be lost as part of the proposed re-route. The reptile hibernacula which have been identified around the road realignment will be avoided.

35. **CNPA Landscape Officer** considers that overall, significance will be low though low-moderate for users of the Dava Way. The Officer recommends planning conditions for the agreement of a full landscaping plan and maintenance together with a tree survey and protection plan.
36. **CNPA Outdoor Access Officer** note the contents of the EIA report which includes an outline Access Management Plan and that a planning condition should be attached to any subsequent decision for the agreement of a Finalised Access Management Plan. The Officer notes that the re-grading of the section of the Dava Way that would be crossed by the route is to be determined through further consultation with relevant stakeholders during the detailed design phase, along with materials, finishes and landscaping proposals.

### **Relevant Consultation responses to EDCU in relation to Part (b)**

*The following consultation comments have been submitted to the Energy Consent Unit and are included within this report for information purposes only, to provide further context to the wider consultation consideration of the Castle Grant Access Works.*

37. **Transport Scotland** consider that insufficient information has currently been presented to confirm the suitability of the proposed abnormal loads route. As such, they advise that for a revised submission which provides finalised turbine component dimensions and transport arrangements and confirmations regarding the issues raised in the AIL Access Study. Transport Scotland recommend this can be undertaken as a planning condition.
38. **Highland Council Transport Planning Team** considers that the abnormal load activity through Grantown is likely to generate operational issues and consider that a combination of controlling traffic flows may be required as well as potentially preventing on street parking during the delivery activity. The Team requires planning conditions for the prior agreement of Construction Traffic Management Plan and AIL Routing Plan prior to the commencement of works. The Team require that the applicant discusses the AIL Routing Plan directly with the Local Community and business groups in Grantown to ensure that any disruption is minimised. A planning condition is also recommended to agree the final detailed design at the Castle Grant bypass together with assurances that any gates are set back from the road and the first 6m of the track is properly surfaced.
39. Regarding the proposed offsite works at Castle Grant, the former railway line now carries the long-distance route 'Dava Way', which will be directly impacted by the proposed works. This includes removing a section of the embankment that the route runs along to create a cutting through it for the AIL vehicles to use. The submission says that the slopes of the cutting through the embankment would be at a gradient suitable for all users of the Dava Way. However, Figure 3.17 from the submission

includes a section through the cutting showing side slopes of 1:2, with gates at the bottom to control access. Also, the submission says that the proposed cutting through the former railway embankment would be left in-place after the wind farm has been constructed so that there is a viable route available for any AILs needing to deliver replacement parts to the wind farm during its operational life. The Team recommends that feedback is sought from the relevant Access Officers at both Highland Council and the Cairngorm National Park Authority on the acceptability of these proposed arrangements, as it is understood that 1:2 slopes would be steeper than is recommended for access by all potential users.

40. **Historic Environment Scotland (HES)** do not object to the application. HES agree that the proposed temporary bypass would not affect the wider landscape or Castle Grant itself and impacts on the setting of East Lodge and the western edge of the Designed Landscape would not be significant. Those impacts would be mitigated by the fact that the works are temporary and that the existing character would be reinstated once the wind farm is constructed, and the bypass dismantled. Over HES consider that the proposed development would not have significant adverse effects on the Category A listed buildings or the Inventory Garden and Designed Landscape at Castle Grant.
41. **Grantown on Spey and Vicinity Community Council** object to the proposed windfarm noting that the turbines will cause visual pollution both day and night and are situated close to an ancient route from Strathspey to the coast. Regarding the Part(b) works, the Community Council consider the access route through Grantown and the cutting through the Dava Way totally unacceptable.

## APPRAISAL

### In relation to Part (a)

42. In the policy context of the NPPP and NPF4, consideration is required of the effects of the proposed development, on landscape character and the SLQs, both alone and cumulatively with other wind farms in the surrounding area.
43. From the Scoping, the applicant has sought to remove the turbines closest to the Park boundary using the local landform of Carn Ruighe an Uain to screen the majority of the turbines locally. This has had the effect of significantly reducing blade tip and hub height visibility directly across and down into the Park in the vicinity of Huntly's Cave.
44. There are several existing and consented wind farms in the area surrounding the proposed wind farm. Adding the proposed Ourack wind farm to the baseline would not significantly add to the existing level of effects, either alone or in combination with other existing or consented wind farms.
45. When considering the nature and significance of the effects, the proposal would not compromise the integrity or objectives of the National Park. The proposal is therefore considered to be in accordance with NPF4 Policies 4 and 11 and Policies A4 and C2.a. of the Cairngorms National Park Partnership Plan. Scottish Planning Policy paragraph 212.

46. For these reasons, it is considered that CNPA should **not** object to the proposed wind farm development.

## In relation to Part (b)

### Background

47. Part (b) works form part of the Ourack windfarm development and relates to the vehicular access detour to avoid the listed gatehouse and bridge at Castle Grant on the A940 for abnormal load deliveries. It consists of temporary realignment of the access by providing a track and new gated entrance on the main road. In addition, the railway embankment will be removed for approximately 30m to facilitate the bypass route. The former work will be temporary and reinstated whilst the latter will be a permanent change. As these works fall within the National Park boundary, Committee members are asked to consider the proposal in respect of its impact on outdoor access, landscape and natural environment. The roads related matters and other materials considerations are dealt with by other consultees to the Energy Consents Unit.

### Impacts on the Natural Environment

48. **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that there is no adverse impact upon designated areas, protected species or biodiversity. Policy 3 of NPF4 places great emphasis on ensuring that EIA development conserves, restores and enhances biodiversity.
49. The proposed temporary bypass works have been subject to ecological surveys and the CNPA Ecology Officer is content with the protected species and habitats mitigation embedded within the EIAR, which includes outline species protection plans. The proposed bypass route will not adversely affect ecological interests and therefore accords with Policy 4 Natural Heritage of the Cairngorms National Park Local Development Plan 2021 and Policy 3 of NPF4.

### Impacts on the Landscape

50. **Policy 5: Landscape** of the Cairngorms National Park Local Development Plan 2021 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development. Policy 11 of NPF4 notes that where landscape impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered acceptable.
51. The site currently consists of a small field adjacent to the A940 with the Victorian railway embankment to the west of this. The embankment is approximately 3-4m high at the is point. To the north west of the embankment the are permanent pasture fields. There are several mature trees along the embankment in the vicinity of the proposed removal section.
52. The embankment at this point is not a dominant feature in the landscape. In general, views from the east, mainly the road users, are dominated by the wooded hill to the



west of the site. The trees on the embankment are important in this view. From the west the view is mostly from the elevated area where there is public access and residential properties. Again, the embankment is a modest part of the view which is more focused on the area of policy woodlands around Castle Grant and the Cromdale Hills beyond. The temporary tracks will have a small and short-lived effect on the character of the site. The embankment will change due to having the permanent section removed but this will not be significant from these areas.

53. The embankment itself is a core path and long-distance footway (the Dava way) and this is significant as the continuity of the route including its level is part of the experience of walking/cycling along its length, especially in the approach to the Iconic bridge and gate house (sometimes known locally as the “harry potter” house). The tracks will have little or no effect on this experience or character in this area. However, the loss of this section of embankment will interrupt the movement of users along the Dava way by requiring them to drop down level and then walk/cycle back up again. It should be noted that the line of the railway is already broken a few hundred meters to the south. Though this is an inconvenience it is not likely to affect the enjoyment of the route from a landscape perspective and there is still approximately 200m before the bridge which is sufficient for the experience of this approach to be re-established for users. Subject to the inclusion of planning conditions, for a full landscaping and maintenance plan, together with restoration plan, tree survey and tree protection plan the proposal is considered to accord with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021 and Policies 11 of NPF4.

### Impacts on Outdoor Access

54. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021, requires proposals to be consistent with the Scottish Outdoor Access Code, the Cairngorms National Park Outdoor Access Strategy, and the Cairngorms National Park Core Paths Plan with proposals maintaining and maximising all opportunities for responsible outdoor access. Policy 11 of NPF4 requires project design and mitigation to demonstrate how impacts on public access and long-distance walking and cycling routes are addressed by the development.
55. The proposed temporary bypass looks to alter the Dava Way from its current route along the embankment. The design of the bypass looks to create a cutting within the embankment with the final design suggested to be agreed through planning condition. The CNPA Outdoor Access Officer recommends the inclusion of planning conditions for the final design agreement together with the agreement of a finalised Access Management Plan. Subject to these conditions, the proposal would not adversely affect outdoor access within the area, in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021 and Policy 11 of NPF4.

### Other Considerations

56. The road safety and traffic generation of the proposal are being dealt with by Transport Scotland and Highland Council Transport Planning Team via the Council’s consultation response to the Energy Consents Unit and are therefore not matters under consideration by the CNPA. It is noted that both consultees are seeking further

clarification regarding the proposed abnormal load route for the delivery of large turbine components, cranes, and heavy transformer equipment. The acceptability of the route is therefore a matter for them to advise on. In terms of the CNPA planning considerations, the proposal is acceptable, subject to conditions. In respect of the impact of the heritage assets, it is also noted that Historic Environment Scotland have no objections to the bypass route in relation to the impacts on the setting of the heritage assets.

## **CONCLUSION**

57. The proposed bypass route would have localised impacts which, subject to mitigation, will have no adverse impacts on the ecological, landscape and outdoor access interests of the site and wider area. Subject to the inclusion of the suggested planning conditions, it is considered that CNPA should **not object** to the proposed bypass route.

## **RECOMMENDATION**

**That Members of the Committee confirm:**

- **For Part (a) That CNPA raise no objection to the application for the proposed Ourack Watch wind farm.**
- **For Part (b)- That CNPA raise no objection subject to the inclusion of the planning conditions listed below:**

### **Recommended Planning Conditions for Part(b)**

- I. No development should commence until:**
  - a) A detailed design for the bypass route has been agreed in writing by the Cairngorms National Park Authority.**
  - b) A Finalised Access Management Plan has been agreed in writing by the Cairngorms National Park Authority.**
  - c) A Tree Survey and Tree Protection Plan has been agreed in writing by the Cairngorms National Park Authority.**
  - d) A Bypass Route Restoration and Landscape Plan has been agreed in writing by the Cairngorms National Park Authority.**